

Calendar No. 607

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-279 }

NATIONAL SEA GRANT COLLEGE PROGRAM
AMENDMENTS ACT OF 2014

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2030



DECEMBER 1, 2014—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

49-010

WASHINGTON : 2014

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

JOHN D. ROCKEFELLER IV, West Virginia, *Chairman*

BARBARA BOXER, California	JOHN THUNE, South Dakota
BILL NELSON, Florida	ROGER F. WICKER, Mississippi
MARIA CANTWELL, Washington	ROY BLUNT, Missouri
MARK PRYOR, Arkansas	MARCO RUBIO, Florida
CLAIRE McCASKILL, Missouri	KELLY AYOTTE, New Hampshire
AMY KLOBUCHAR, Minnesota	DEAN HELLER, Nevada
MARK BEGICH, Alaska	DANIEL COATS, Indiana
RICHARD BLUMENTHAL, Connecticut	TIM SCOTT, South Carolina
BRIAN SCHATZ, Hawaii	TED CRUZ, Texas
ED MARKEY, Massachusetts	DEB FISCHER, Nebraska
CORY BOOKER, New Jersey	RON JOHNSON, Wisconsin
JOHN WALSH, Montana	

ELLEN DONESKI, *Staff Director*

JOHN WILLIAMS, *General Counsel*

DAVID SCHWIETERT, *Republican Staff Director*

NICK ROSSI, *Republican Deputy Staff Director*

REBECCA SEIDEL, *Republican General Counsel*

Calendar No. 607

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-279

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2014

DECEMBER 1, 2014.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2030]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2030) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 2030 is to amend the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) (Sea Grant Act) to reauthorize the National Sea Grant College Program (Sea Grant) through 2020, and to improve the program's ability to enhance the practical use and conservation of coastal, marine, and Great Lakes resources through research, extension, and education activities.

BACKGROUND AND NEEDS

The Sea Grant Act was first enacted in 1966 and has been amended ten times, most recently in 2008. Sea Grant promotes research, education, and training to increase the understanding, development, management, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. Sea Grant is a partnership between institutions of higher learning and the National Oceanic and Atmospheric Administration (NOAA), and also works to build partnerships with State, local, and non-governmental (NGO) groups to address coastal and marine issues. For more than 40 years, the program has efficiently leveraged Federal

funds to create and maintain a healthy coastal environment and economy in the United States.

The Sea Grant network has been expanded gradually over time, and now consists of 33 university-based programs covering every coastal State, major territories, Lake Champlain, and the Great Lakes. The network includes over 3000 scientists at over 300 institutions. Sea Grant focuses on the crosscutting goals of performing quality research, generating an informed public, facilitating inclusive decision making with diverse stakeholders, and providing relevant, timely information on coastal hazards. Sea Grant's current National Strategic Plan (2014-2017) includes four focus areas: (1) healthy coastal ecosystems; (2) sustainable fisheries and aquaculture; (3) resilient communities and economies; and (4) environmental literacy and workforce development.

Sea Grant is structured in three parts: (1) the National Sea Grant Office (NSGO), based in Silver Spring, MD; (2) the Sea Grant Association (SGA), which represents the network of State programs; and (3) the Sea Grant Advisory Board (SGAB), which is a group of independent expert advisors and evaluators.

In fiscal year (FY) 2013, with \$57.6 million in appropriations, Sea Grant supported an estimated \$485 million in economic benefit to the Nation, created or retained 3,400 businesses, created or retained 15,000 jobs, generated 13 patents, and supported 900 undergraduate and 980 graduate students.¹ Sea Grant is able to leverage Federal funding by matching every \$2 of Federal funding with an additional \$1 of non-Federal funding from partners (33 U.S.C. 1124(a)).

The primary purpose of this bill is to reauthorize Sea Grant. This bill also proposes changes to the legislation that will advance Sea Grant's capability to address regional and national issues, mandate the Knauss Marine Policy Fellowship Program, enhance NOAA's ability to administer and provide guidance to Sea Grant, and make a number of administrative adjustments, such as the removal of two now-moot reporting requirements. A substitute amendment made other alterations to the base bill, including: additional direction for the administration of the Knauss Marine Policy Fellowship Program; clarification of Sea Grant's authority to accept private monetary donations; addition of aquaculture, coastal resilience, and working waterfronts to the list of priority program activities; and a reduction in the authorization levels for the priority activity grant program from \$18 million to \$6 million annually.

Strengthening the education mandate and fellowship placement priorities

Sea Grant has worked to integrate its three program elements – research, outreach, and education. However, recent proposals by the Administration regarding the consolidation of STEM education into the National Science Foundation (NSF) have raised the possibility that the core education function could be removed from Sea Grant, thus changing the fundamental nature of the program. The currently authorized Sea Grant Act includes education as one of

¹NOAA, *National Sea Grant College Program FY2013 Performance Measures and Metrics*, 2014, [http://seagrants.noaa.gov/Portals/0/Documents/where_we_work/documents/FY13%20Performance%20Measures%20and%20Metrics%20for%202012-1_2013%20info%20\(1\).pdf](http://seagrants.noaa.gov/Portals/0/Documents/where_we_work/documents/FY13%20Performance%20Measures%20and%20Metrics%20for%202012-1_2013%20info%20(1).pdf).

the primary purposes of Sea Grant (33 U.S.C. 1121(c)) and requires Sea Grant to support several fellowships (33 U.S.C. 1123(b)(3)), but the Dean John A. Knauss Marine Policy Fellowship, as written, is currently optional. For more than 30 years, the Dean John A. Knauss Marine Policy Fellowship has been a highly successful part of Sea Grant, and has brought over 1,000 fellows to Washington, D.C. This bill would strengthen the education mandate of Sea Grant by making the Dean John A. Knauss Marine Policy Fellowship a mandatory component of Sea Grant's education portfolio.

Each year, ten of the Knauss Fellows are placed on Capitol Hill in member offices or with committees. In response to concerns about potential imbalances in legislative fellow placement, the bill would direct the Secretary of Commerce to take steps, to the degree practicable, to ensure equitable placements among political parties. Because Knauss Fellows bring expertise in marine and aquatic-related fields, the bill would prioritize placement within offices of committees of Congress that have jurisdiction over NOAA, in offices of members on those committees, and in offices of members that have a demonstrated interest in ocean, coastal, and Great Lakes resources. The Committee urges the NSGO to implement these changes as swiftly as possible, and no later than 30 days after enactment of this Act.

Developing Sea Grant's regional leadership and expanding priority activities

Since its inception, Sea Grant has prided itself on its ability to address national issues at a local level. Although Sea Grant has always had the capability of addressing intermediate-scale problems at a regional level, it can be difficult to encourage collaboration between State programs without a specific mandate. Sea Grant has already taken a leadership role by developing regional research and information plans over the past few years. This bill would formalize the role of regional projects within Sea Grant by adding an authorization for regional and national activities to the list of issue-specific authorizations already included in the Sea Grant Act (33 U.S.C. 1131(a)(2)). This addition would encourage cooperation between States on region-wide issues, such as the *Deepwater Horizon* oil spill in the Gulf of Mexico.

Other additions to the list of priority activities include coastal resilience, working waterfronts, and sustainable aquaculture techniques and technologies, topics that have become increasingly important to coastal communities. Collectively, these additions would serve to direct future research and highlight Sea Grant's capacity as a regional leader in providing science-based information and tools on a wide variety of issues.

Increasing resources for the national Sea Grant office

Currently, the Sea Grant Act mandates a 5 percent cap on administrative spending in the NSGO. With this cap, approximately 95 percent of the Federal funding provided to Sea Grant goes directly to the State programs, where it is used to conduct research, carry out extension and outreach activities, and deliver direct community services. With relatively flat funding and the administrative spending cap set at 5 percent, over the past seven years the NSGO has lost one-third of its full time employees, all four of its

senior positions, and now has less than half the staff that it had in 1991. The SGAB has reviewed the functions and staffing of NOAA's NSGO twice in the last decade (2002 and 2008). In addition, in 2006, the National Research Council (NRC) reviewed the role of the NSGO in program evaluation and administration. Each of these reviews concluded that the staffing level of the NSGO was not adequate to accomplish the duties required, and therefore recommended to NOAA and the Department of Commerce that additional resources be allocated to the NSGO. However, the SGA expressed concern that a reallocation of funding to the NSGO would detract from their own funding in the States, and would impair their ability to do research and outreach in communities. Therefore, the bill proposes to raise the administrative cap to 5.5 percent, and includes language to authorize the NSGO to use the Intergovernmental Personnel Act Mobility Program to temporarily assign qualified and dedicated State Sea Grant personnel to fulfill critical NSGO duties. These assignments would result from a written agreement between the NSGO and the relevant State Sea Grant program. These additional personnel would come directly from the State programs on a rotating basis, external to the NSGO administrative spending cap.

Removal of unnecessary reporting requirements

This bill would remove two required reports to Congress that are no longer useful. One report served as a progress update on the addition of new Sea Grant programs to the national network. However, with the addition of the Lake Champlain and Guam Sea Grant programs, Sea Grant network is now complete, with a program in every coastal State, the Great Lakes, Lake Champlain, and the major U.S. territories. Therefore, this report is no longer relevant. Second, the Sea Grant Act calls for a coordination report regarding a decade-old proposal to transfer Sea Grant from NOAA to NSF. However, as that restructuring is no longer planned, the need for annual reporting on coordination has passed. NSF agrees, and has stated in writing its desire for the report to be eliminated. This bill would also alter the reporting requirements for the "State of Sea Grant" report from biennial to every three years, in order to alleviate time constraints on the SGAB.

SUMMARY OF PROVISIONS

The National Sea Grant College Program Amendments Act of 2014 would reauthorize Sea Grant from 2015 to 2020. The bill would also make a number of program adjustments and improvements, including:

- adding aquaculture, coastal resilience, working waterfronts, and regional and national issues to the list of priority activities for competitive research grants;
- increasing the administrative spending cap for the NSGO from 5 percent to 5.5 percent, and allowing the NSGO to take on staff from the State Sea Grant programs via the Intergovernmental Personnel Act Mobility Program;
- clarifying Sea Grant's ability to accept monetary donations and asking the program to report to Congress on optimal uses of any such donations;
- eliminating a number of unnecessary reports; and

- mandating the Knauss Marine Policy Fellowship Program, and establishing priorities for placement of legislative fellows among congressional offices and parties.

This bill would authorize appropriations of \$72 million for FY 2015, \$75.6 for FY 2016, \$79.38 million for FY 2017, \$83.35 million for FY 2018, \$87.52 million for FY 2019, and \$91.9 million for FY 2020, the same amounts authorized in the past for the same program. An additional \$6 million, \$12 million less than the level authorized in the last reauthorization, would be authorized for competitive grants to address priority program activities.

LEGISLATIVE HISTORY

S. 2030 was introduced by Senator Schatz on February 12, 2014, and is cosponsored by Senator Wicker. S. 2030 would reauthorize and amend the Sea Grant Act, originally enacted in 1966 and last reauthorized in 2008.

On July 23, 2014, the Committee met in open Executive Session and, by voice vote, accepted the substitute amendment for S. 2030 filed by Senator Schatz, and ordered S. 2030 reported favorably.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 2030—National Sea Grant College Program Amendments Act of 2014

Summary: S. 2030 would authorize appropriations totaling \$526 million over the 2015–2020 period for the National Oceanic and Atmospheric Administration (NOAA) to carry out the National Sea Grant College Program, which funds scientific research, education, and public outreach related to marine issues at certain universities. In addition, the program would provide funds for marine policy fellowships.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$379 million over the 2015–2019 period and \$147 million after 2019. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

S. 2030 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the national sea grant college program. Any costs incurred by state, local, or tribal governments, including matching funds, would result from complying with a voluntary federal program.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2030 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015-2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Sea Grant Program						
Authorization Level	72	76	79	83	88	398
Estimated Outlays	47	64	75	81	85	352
Sea Grant Priority Grants						
Authorization Level	6	6	6	6	6	30
Estimated Outlays	4	5	6	6	6	27
Total Changes						
Authorization Level	78	82	85	89	94	428
Estimated Outlays	51	69	81	87	91	379

Basis of estimate: For this estimate, CBO assumes that S. 2030 will be enacted by the end of fiscal year 2014, that the authorized amounts will be appropriated for each year, and that outlays will follow historical spending patterns for similar NOAA activities.

S. 2030 would amend and reauthorize the National Sea Grant College Program Act. The bill would authorize appropriations totaling \$490 million over the 2015–2020 period to fund activities at a network of 33 Sea Grant programs located at universities in every coastal and Great Lakes state, Vermont, Puerto Rico, and Guam. Those funds would also be used to provide fellowships that support the placement of graduate students studying ocean, coastal, and Great Lakes resources within the executive and legislative branches of the United States government. In 2014, NOAA received appropriations totaling \$63 million to fund similar activities. Assuming appropriation of the authorized amounts, CBO estimates that implementing those provisions would cost \$352 million over the 2015–2019 period and \$138 million after 2019.

The bill also would authorize the appropriation of \$6 million a year to fund competitive grants that would fund high-priority research activities at universities. Those activities would include the prevention and control of nonnative aquatic species, the development of sustainable aquaculture techniques, and the prevention and forecasting of harmful algal blooms. NOAA received an appropriation of \$4 million to fund similar activities in 2014. Assuming appropriation of the authorized amounts, CBO estimates that implementing these provisions would cost \$27 million over the 2015–2019 period and \$9 million after 2019.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 2030 contains no intergovernmental or private-sector mandates as defined in UMRA, and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the national sea grant college program. Any costs incurred by state, local, or tribal governments, including matching funds, would result from complying with a voluntary federal program.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Tristan Hanon.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The bill would not authorize any new regulations and therefore would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

This bill would authorize appropriations of \$72 million for FY 2015, \$75.6 for FY 2016, \$79.38 million for FY 2017, \$83.35 million for FY 2018, \$87.52 million for FY 2019, and \$91.9 million for FY 2020, the same amounts authorized in the past for the same program. The increasing authorization levels over flat funding are intended to allow for expansion of the capacity of smaller programs in the network. An additional \$6 million, \$12 million less than the level authorized in the last reauthorization, would be authorized for competitive grants to address priority activities: non-native species, oyster diseases and restoration, harmful algal blooms, coastal resilience and working waterfronts, aquaculture techniques and technologies, fisheries, and other regional or national priority issues identified in Sea Grant's National Strategic Plan. These amounts are not expected to have an inflationary impact on the Nation's economy. The research, education, and extension services that Sea Grant provides are estimated to have a net positive economic impact on coastal communities.²

PRIVACY

The reported bill would not have any adverse impact on the personal privacy of individuals.

PAPERWORK

This bill would add a new reporting requirement, mandating that Sea Grant, in consultation with the SGAB and the SGA, report to Congress within 180 days of enactment of this Act their recommendations for optimal use of any monetary donations received by Sea Grant.

However, this bill would likely decrease overall paperwork by eliminating two reports that are no longer necessary: the Sea Grant Colleges and Sea Grant Institutes Annual Report on Progress, and the Report on the Coordination of Oceans and Coastal Research Activities. It would decrease a currently authorized report to Congress from the SGAB regarding "The State of Sea Grant," from a biennial submission to once every three years.

²NOAA, *National Sea Grant College Program FY2013 Performance Measures and Metrics*, 2014, [http://seagrant.noaa.gov/Portals/0/Documents/where_we_work/documents/FY13%20Performance%20Measures%20and%20Metrics%20for%202012-1_2013%20info%20\(1\).pdf](http://seagrant.noaa.gov/Portals/0/Documents/where_we_work/documents/FY13%20Performance%20Measures%20and%20Metrics%20for%202012-1_2013%20info%20(1).pdf).

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide the short title of the bill, National Sea Grant College Program Amendments Act of 2014.

Section 2. References to the National Sea Grant College Program Act.

This section states that an amendment or repeal of a section or other provision shall be considered to be made to the Sea Grant Act.

Section 3. Sea Grant colleges and Sea Grant institutes; annual report on progress.

This section would remove a required report to Congress regarding the addition of new Sea Grant Colleges to the national network. Because the network is now complete, this report is no longer necessary.

Section 4. Dean John A. Knauss Marine Policy Fellowship.

This section would strengthen the mandate for the continuation of the Dean John A. Knauss Marine Policy Fellowship within Sea Grant. It would also establish priorities for placement of legislative Knauss Fellows within offices of, or with members on, committees of Congress that have jurisdiction over NOAA, or in offices of members that have a demonstrated interest in ocean, coastal, and Great Lakes resources. It would further direct the Secretary of Commerce to ensure, to the degree practicable, that placements are equitably distributed among political parties. Finally, this section includes a "Sense of Congress" statement that the Secretary of Commerce should encourage Federal agencies hosting Knauss Fellows to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions commensurate with their level of education and experience.

Section 5. Donations.

This section would clarify that Sea Grant may accept monetary donations, and request that the program establish priorities for the use of any such donations, including the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship's placement of legislative fellows. It would require that the NSGO, in consultation with the SGAB and the SGA, report to Congress within 180 days of enactment of this Act their recommendations for optimal use of donations received.

Section 6. Report on the coordination of oceans and coastal research activities.

This section would remove a required report to Congress on the coordination of activities between Sea Grant and NSF, in response

to a decade-old proposal to incorporate Sea Grant into NSF. Because this proposal is no longer being enacted, this report is not necessary.

Section 7. National Sea Grant Advisory Board report.

This section would decrease a currently authorized report to Congress from the SGAB regarding “The State of Sea Grant,” from a biennial submission to once every three years.

Section 8. Program elements.

This section would duplicate language from elsewhere in the Act to emphasize and underscore Sea Grant’s diverse and important roles in research, extension, education, training, technology transfer, and public service.

Section 9. Authorization of appropriations.

This section would set the total authorized appropriations to the Secretary of Commerce to implement the Act at \$72 million for FY 2015, \$75.6 million for FY 2016, \$79.38 million for FY 2017, \$83.35 million for FY 2018, \$87.52 million for FY 2019, and \$91.9 million for FY 2020. An additional \$6 million, \$12 million less than the amount authorized in the 2008 reauthorization, would be authorized for funding competitive grants for specific priority activities, including non-native species, oyster restoration and research, harmful algal blooms forecasting and prevention, coastal resilience, working waterfronts, aquaculture techniques and technology development, fisheries, and regional or national priority issues that span multiple States. Aquaculture, coastal resilience, working waterfronts, and regional and national priorities would be new additions to the scope of priority activities. This section would also limit spending on the administration of the program by the NSGO to 5.5 percent of the lesser of the amount authorized to be appropriated and the amount appropriated for the fiscal year, an increase of 0.5 percent over the current Sea Grant Act. Additionally, in this section, critical staffing requirements for the NSGO would be authorized to be met through the use of the Intergovernmental Personnel Act Mobility Program. The cost of staff transferred would not count towards the NSGO administrative spending cap, but rather would be paid for by the home office of the detail.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

[33 U.S.C. 1121 et seq.]

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

[33 U.S.C. 1123]

(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program

shall be administered by a national sea grant office within the Administration.

(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance *for research, education, extension, training, technology transfer, and public service* and other activities authorized in this title, and shall provide support for the following elements—

(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;

(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;

(3) the fellowship program under section 208; and

(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.

(c) RESPONSIBILITIES OF THE SECRETARY.—

(1) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.

(2) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

(4) To carry out the provisions of this title, the Secretary may—

(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

[(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;]

(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;

(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

(G) promulgate such rules and regulations as may be necessary and appropriate.

(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A) facilitate and coordinate the development of a strategic plan under subsection (c)(1);

(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

(3) [With respect to sea grant colleges and sea grant institutes] *With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects*, the Director shall—

(A) evaluate and assess the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities;

(B) subject to the availability of appropriations, allocate [funding among sea grant colleges and sea grant institutes] *funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects* so as to—

(i) promote healthy competition among sea grant colleges and institutes;

(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);

(iii) ensure successful implementation of sea grant programs;

(iv) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes;

(v) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and

(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and

(C) ensure compliance with the guidelines for merit review under subsection (c)(2).

SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

[33 U.S.C. 1126]

(a) DESIGNATION.—

(1) A sea grant college or sea grant institute shall meet the following qualifications—

(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

(F) meet such other qualifications as the Secretary, in consultation with the Board, considers necessary or appropriate.

(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

(B) maintains a program of research, extension services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

- (A) meets the qualifications in paragraph (1); and
- (B) maintains a program which includes, at a minimum, research and extension services.

(b) **EXISTING DESIGNEES.**—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

(c) **SUSPENSION OR TERMINATION OF DESIGNATION.**—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

(d) **DUTIES.**—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

- (1) to develop and implement, in consultation with the Secretary and the Board, a program that is consistent with the guidelines and priorities established under section 204(c); and
- (2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.

[(e) **ANNUAL REPORT ON PROGRESS.**—

[(1) **REPORT REQUIREMENT.**—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

[(2) **TERRITORIES AND FREELY ASSOCIATED STATES.**—The report shall include description of—

[(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

[(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

[(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).]

SEC. 208. FELLOWSHIPS.

[33 U.S.C. 1127]

(a) **IN GENERAL.**—To carry out the educational and training objectives of this Act, the Secretary shall support a program of fellowships for qualified individuals at the graduate and postgraduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Secretary. The Secretary shall strive to ensure equal access for

minority and economically disadvantaged students to the program carried out under this subsection. Every 2 years, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—[The Secretary]

(1) *IN GENERAL.*—*The Secretary [may] shall award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. [A fellowship]*

(2) *PLACEMENT PRIORITIES.*—

(A) *IN GENERAL.*—*In each year in which the Secretary awards a legislative fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:*

(i) *Positions in offices of, or with members on, committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.*

(ii) *Positions in offices of members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.*

(B) *EQUITABLE DISTRIBUTION.*—*In placing fellows in offices described in subparagraph (A), the Secretary shall ensure, to the degree practicable, that placements are equitably distributed among the political parties.*

(3) *DURATION.*—*A fellowship awarded under this subsection shall be for a period of not more than 1 year.¹*

(c) *RESTRICTION ON USE OF FUNDS.*—*Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.*

SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

[33 U.S.C. 1128]

(a) *ESTABLISHMENT.*—*There shall be an independent committee to be known as the National Sea Grant Advisory Board.*

(b) *DUTIES.*—

(1) *IN GENERAL.*—*The Board shall advise the Secretary and the Director concerning—*

(A) *strategies for utilizing the sea grant college program to address the Nation’s highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;*

(B) *the designation of sea grant colleges and sea grant institutes; and*

¹ The amendment inserting the language under paragraph (2) shall apply with respect to the first calendar year beginning after the date of enactment of the National Sea Grant College Program Amendments Act of 2014.

(C) such other matters as the Secretary refers to the Board for review and advice.

【(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.】

(2) REPORT.—The Board shall report to the Congress every 3 years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.

(c) MEMBERSHIP, TERMS, AND POWERS.—

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the Board. Not less than 8 of the voting members of the Board shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, coastal management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, management, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the Board if the individual is (A) the director of a sea grant college or sea grant institute; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205; or (C) a full-time officer or employee of the United States.

(2) The term of office of a voting member of the Board shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the Board appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Board.

(3) Any individual appointed to a partial or full term may be reappointed for one additional full term. The Director may ex-

tend the term of office of a voting member of the Board once by up to 1 year.

(4) The Board shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(5) Voting members of the Board shall—

(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such Board; and

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The Board shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Director.

(7) The Board may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[33 U.S.C. 1131]

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

[(A) \$ 72,000,000 for fiscal year 2009;

[(B) \$ 75,600,000 for fiscal year 2010;

[(C) \$ 79,380,000 for fiscal year 2011;

[(D) \$ 83,350,000 for fiscal year 2012;

[(E) \$ 87,520,000 for fiscal year 2013; and

[(F) \$ 91,900,000 for fiscal year 2014.]

(A) \$72,000,000 for fiscal year 2015;

(B) \$75,600,000 for fiscal year 2016;

(C) \$79,380,000 for fiscal year 2017;

(D) \$83,350,000 for fiscal year 2018;

(E) \$87,520,000 for fiscal year 2019; and

(F) \$91,900,000 for fiscal year 2020.

[(2) PRIORITY ACTIVITIES.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2009 through 2014—

[(A) \$ 5,000,000 for competitive grants for university research on the biology, prevention, and control of aquatic nonnative species;

[(B) \$ 5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

[(C) \$ 5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms; and

[(D) \$ 3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant

institutes to enhance, and not supplant, existing core program funding.】

(2) *PRIORITY ACTIVITIES.*—*In addition to the amounts authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2015 through 2020 \$6,000,000 for competitive grants for the following:*

(A) *University research on the biology, prevention, and control of aquatic nonnative species.*

(B) *University research on oyster diseases, oyster restoration, and oyster-related human health risks.*

(C) *University research on the biology, prevention, and forecasting of harmful algal blooms.*

(D) *University research, education, training, and extension services and activities focused on coastal resilience and U.S. working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).*

(E) *University research on sustainable aquaculture techniques and technologies.*

(F) *Fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.*

(b) *LIMITATIONS.*—

【(1) *ADMINISTRATION.*—*There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—*

【(A) *the amount authorized to be appropriated under this title for the fiscal year; or*

【(B) *the amount appropriated under this title for the fiscal year.*】

(1) *ADMINISTRATION.*—

(A) *IN GENERAL.*—*There may not be used for administration of programs under this title in a fiscal year more than 5.5 percent of the lesser of—*

(i) *the amount authorized to be appropriated under this title for the fiscal year; or*

(ii) *the amount appropriated under this title for the fiscal year.*

(B) *CRITICAL STAFFING REQUIREMENTS.*—*The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, to meet any critical staffing requirement while implementing the activities authorized in this title. The costs associated with that exercise of authority shall not be counted toward the cap under subparagraph (A).*

(2) *USE FOR OTHER OFFICES OR PROGRAMS.*—*Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.*

【(c) *DISTRIBUTION OF FUNDS.*—*In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (ex-*

cept amounts used for the administration of the sea grant program) to any combination of the following:

[(1) sea grant programs, according to their performance assessments;

[(2) regional or national strategic investments authorized under section 204(b)(4);

[(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; and

[(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).]

[(d)](c) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

[(e)] (d) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

[116 Stat. 2345]

[SEC. 9. REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.

[33 U.S.C. 857-20]

[Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.]